

## Dialogue

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*Making History, Becoming History:  
Reflections on Fijian Coups and  
Constitutions*

*Brij V Lal*

Early in March 1995, when the telephone call came from Jai Ram Reddy, Fiji's leader of the opposition and the long-term leader of the Indo-Fijian community, asking me to be his nominee on the Constitution Review Commission, I was naturally overwhelmed. The appointment was not unexpected—I had been asked several months earlier about my willingness to serve—but the enormity of the task ahead dawned on me at that moment. Many friends in Fiji had cautioned me. The review, they said, was a charade, a cynical exercise in public relations by a coup-tainted government eager to refurbish its image in the eyes of the international community. Rabuka was still Rabuka: leopards do not change their spots. The presence of Tomasi Vakatora—a member of the cabinet subcommittee whose recommendations had formed the basis of the contested 1990 constitution—proclaimed the government's real intention. But I was undeterred. At a celebratory dinner with friends that evening, my son Niraj, then just eleven, piped up proudly. "Dad," he said innocently, "You have taught history and written history. Now you can make history and then become history." Nervous laughter greeted his remark.

Niraj was more prophetic than anyone of us realized. Four tumultuous years after the commission completed its report, Fiji is back on the road to ruin. The 1997 constitution, based on our commission's report, unanimously approved by parliament, and blessed by the Great Council of Chiefs, lies in limbo. A democratically elected government, with an absolute majority, was ousted by a coup, the country subjected to a reign of terror and violence unprecedented in Fiji's history. The fabric of race relations, just beginning to be repaired after years of strain following the coups of a decade earlier, is in tatters. The economy is down, and the best

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and the brightest are looking for greener pastures. The May coup and the ensuing mayhem have taken Fiji back by a generation. As I write (in November 2000), the people of Fiji are intensely debating the future political direction of the country, including the formulation of a new constitution.

The Fiji saga has received more than its share of regional and international notice. Coups attract attention, for there is something deeply unsettling and immoral about using the bayonet to overturn the verdict of the ballot box, not once but thrice in thirteen years, the first two as tragedy, the third as farce. Fiji's situation highlights dilemmas faced by other multiethnic countries in the developing world. What framework of government is appropriate for multicultural, multiethnic nations like Fiji (or Guyana or Malaysia)? How and in what ways should the constitution of a country enlarge and enrich the common space of equal citizenship without infringing on the unique and rich cultural and spiritual traditions of the various components making up the larger society? Fiji's case also raises questions about the tension between the privileged claims of the first settlers—the indigenous people—and those of the later arrivals. Should the basis of political affiliation be blood rather than belief, primordiality rather than ideology? Our commission provided a set of recommendations to resolve these complex questions, but the latest coup-makers and their supporters did not approve them. A vision has vanished beyond recall.

Between the beneficiaries of the coup in the interim administration and those deposed from power, a war of words is raging to win the hearts and minds of the local people and of the international community. The deposed government insists that any constitutional solution to the present crisis should be sought within the framework of the 1997 constitution; its reinstatement is for them a prerequisite for any future dialogue and reconciliation. But the coup supporters insist that the 1997 constitution is dead and buried and that a fresh start, favoring indigenous Fijian interests and needs, is necessary to resolve the crisis.<sup>1</sup> What the outcome will be remains unclear. I am unconvinced that the constitution has failed the people of Fiji. More to the point, the people of Fiji have failed the constitution. It will take many years of toil and tears to recover what Fiji has lost in its moment of madness, just as it did following the 1987 coups.

The destroyers of the 1997 constitution have advanced many arguments to support their cause. To begin with, George Speight and his supporters circulated a twenty-six-point document to the Great Council of Chiefs soon after hijacking parliament.<sup>2</sup> Their main points were that the 1997

constitution was not in the interests of the Fijian people, as seen in the rejection of it by a majority of the Fijian provinces; that it was not properly explained to the Fijian people; and that it was introduced by stealth. The democratic principles that the constitution enshrines were, in their view, foreign flowers unsuited to Fijian soil and antithetical to the central tenets of indigenous Fijian society. They further claimed that Chaudhry was "Indianising" the public sector by appointing more Indo-Fijians to senior positions. Chaudhry, they said, had "a long history of arguing for racial equality under the umbrella of democracy whilst pursuing an underlying secret agenda of entrenching the interests of Indians in Fiji as supreme." The prime minister was confrontational in his style and insensitive to Fijian interests and concerns, particularly in relation to the ever-sensitive issue of land. His government, they complained, had "contributed to the impoverishment and disaffection of indigenous Fijians and his rule was the culmination of thirty fraught years of modern indigenous Fijian leadership that have sacrificed the economic and cultural well being of Fijians for the advancement of a few." In short, both the constitution and the government elected under it failed to serve the interests of the indigenous people and so had to be removed by force. Speight and his gunmen did what most Fijians had secretly desired. Speight should thus be treated as a hero and not as a treasonous criminal.

There are two sets of issues here, one constitutional and the other political; one involving the rules and regulations of government, and the other dealing with the way the party in government promulgated policies promised in their election manifesto and handled the business of administration. The two have often conveniently been conflated in Fiji, the shortcomings of the government of the day hitched to the supposed shortcomings of the constitution, and the constitution blamed for the outcome of the election. The coupling of the two is a politically expedient but unconvincing ploy; they must be separated and considered separately.

The 1997 constitution was not introduced by stealth, preceded as it was by the most comprehensive process of review and consultation ever carried out in Fiji, far more even than the 1970 constitution. This process began with the appointment of the Constitution Review Commission (see Lal 1998). Its members were chosen by parliament, which also drew up the commission's terms of reference. These required the commission to review the 1990 constitution and produce a report recommending constitutional arrangements that would meet the present and future needs of the people of Fiji; promote racial harmony, national unity, and the economic and

social advancement of all communities; take into account internationally recognized principles and standards of individual and group rights; guarantee full protection and promotion of the rights, interests, and concerns of the indigenous Fijian and Rotuman people; and have full regard for the rights, interests, and concerns of all ethnic groups in Fiji.

The commission itself consulted widely. It traveled to all the provinces and major settlements throughout the group and received well over eight hundred written and oral submissions from individuals, nongovernment organizations, church and community groups, and all the major political parties. These submissions were printed in the media and broadcast over television and radio. The commission also requested research papers from local as well as overseas experts on the matters it was called to consider. These papers, too, were published.<sup>3</sup> In addition, the commission visited three countries with constitutional arrangements that had some bearing on the Fiji case, including Malaysia, a multiracial country with a significant indigenous population enjoying constitutionally guaranteed affirmative action policies; Mauritius, a small island state in the Indian Ocean whose constitutional structure had facilitated enviable economic growth that far outstripped Fiji's (although at the time of independence in 1968 it had lagged behind Fiji in virtually every sphere); and South Africa which, in the mid-1990s, was engaged in a massive effort to formulate an appropriate constitution to facilitate the change from apartheid to a multiparty democracy.

The commission's thoroughness and sensitivity received wide praise both locally and internationally. Introducing the report to parliament, President Ratu Sir Kamisese Mara commended the commissioners "first for their willingness to undertake this important task, and second for the devotion and commitment they and their staff have shown in accomplishing it. We are all very much in their debt." Prime Minister Sitiveni Rabuka extended his "warmest gratitude and congratulations for a work well done," and went on, "The Commission had painstakingly canvassed views and consulted widely throughout Fiji. With meticulous care and with patience, they then compiled their report. The unanimity with which they have submitted their recommendations clearly demonstrates the seriousness with which they had approached their task, and their determination to speak as one is suggesting to us the best way forward for our country." Opposition Leader Jai Ram Reddy was equally fulsome in his praise of a "thorough and comprehensive document."<sup>4</sup> Internationally, the commission's *modus operandi* was recommended by the Common-

wealth Secretariat and the United Nations' Electoral Assistance Division as a model for other constitutional review exercises.

A multiparty, multiethnic Joint Parliamentary Select Committee considered the commission's report for a whole year, before producing a report that formed the basis of the constitution, was debated in parliament, and was approved unanimously. Subsequently, the Great Council of Chiefs blessed the document unreservedly. It is true that many provincial councils had rejected the commission's report at the instigation of leaders opposed to the review process. But the same people were also members of parliament, indeed members of the Joint Parliamentary Select Committee that had approved the constitution, as well as members of the Great Council of Chiefs.

Nor is it valid to argue that the constitution could not be understood by ordinary people because it was not translated into the Fijian language (or Hindi, for that matter). Translating a complex document like a constitution is not an easy task, although the Citizens Constitutional Forum, a nongovernment organization, explained its basic features in all the three principal languages of Fiji. More important, the people who worked against the constitution were not ordinary, unlettered Fijians, but members of parliament who understood the document and had voted for it.

Is democracy a foreign flower unsuited to Fijian soil? It is of course true that democracy is foreign to Fiji, but so too are some of the most cherished institutions and practices of modern Fijian society (see Lal 1992b, 97–99). The Fijian state itself is a creation of British colonialism, for before the middle of the nineteenth century, the islands of Fiji comprised a warring collection of *matanitu* (traditional confederacies), clamoring for political supremacy, a semblance of which was eventually achieved under Ratu Seru Cakobau, the self-styled king of Fiji. Christianity, too, is a foreign flower, having arrived in the islands via Tonga in 1835. The Great Council of Chiefs, the powerful umbrella organization of traditional Fijian leaders, and the established principles of Fijian land tenure are both, in different degrees, foreign flowers in Fiji.

The advocates of the foreign-flower argument ignore the fact that Fiji had practiced a kind of democracy since independence in 1970. The legitimacy of democracy was not questioned then because the Fijian establishment always won. Only when they lost power—in 1987 and in 1999—was the issue raised. Even the interim administration does not question the validity of a democratic form of government for Fiji. They simply want a democracy that will always put Fijians—or more correctly, the most vocal

sections of them—in power. The independence constitution, and those that followed it, did include provisions that became entrenched, effectively quarantining indigenous Fijian interests from general public debate, and giving the power of veto over them to the representatives of the Great Council of Chiefs in the Senate. That was as it should be, and those protective provisions were the product of national consensus. If Fiji jettisons democracy and all that it represents—the sovereignty of parliament as the repository of the people's will, an independent judiciary, an impartial civil service—what alternative will be put in its place? Monarchy? Ethnocracy? Theocracy?

Some coup supporters argued that the 1997 constitution did not protect the “paramountcy of Fijian interests.” These words have a peculiar origin in Fijian history, their significance distorted by meanings invested in them by different groups over the years. Many have mistakenly traced them back to the Deed of Cession in 1874, by which Fiji became a Crown colony. Those words are not found there; instead, the document records the chiefs' desire to “tender unconditionally” the sovereignty of the islands to Queen Victoria and her successors, “relying upon the justice and generosity” of Her Majesty in dealing with her subject peoples. Cession, the chiefs hoped, would promote “civilization” and “Christianity”—both foreign flowers—in the islands along with a secure and stable government—another foreign flower. In turn the Crown promised that “the rights and interests of the said Tui Viti and other high chiefs the ceding parties hereto shall be recognised so far as is and shall be consistent with British Sovereignty and Colonial form government.” This is paramountcy within parameters. In early colonial usage, “paramountcy of Fijian interests” meant the protection (and the insulation) of those institutions and social practices that had a particular significance to the Fijian people—their land tenure system, “native policies” designed to preserve the neotraditional structure of their society, a separate system of administration, matters of chiefly titles and genealogies. On these matters, the view of the Fijian people, expressed through the Great Council of Chiefs, prevailed. The European planters invoked the principle of Fijian paramountcy in the 1920s, not to support Fijians, but to halt political equality demanded by Indo-Fijians. Nonetheless, until the middle of the twentieth century, the words were used in a protective sense.

That changed when independence became imminent in the 1960s. Then, Fijian leaders began to interpret the “paramountcy of Fijian interests” to mean “political paramountcy,” as was most forcefully articulated in 1964

in the now famous “Wakaya Letter” (reprinted in Lal 1992a, 189). In it, Fijian leaders laid down preconditions for further political change toward greater internal self-government, including declaring Fiji a Christian state, seeking security of landownership, demanding Fijian parity in the public service, and recognizing a continuing constitutional link with Britain, a link “forged in a spirit of mutual trust and goodwill that should never be severed,” and “building on and strengthening the spirit and substance of the Deed of Cession.” The letter was a negotiating document, and a successful one. The 1965 constitution gave Fijians two additional seats over the Indo-Fijians, thus upsetting the principle of balance that had underpinned the colonial pattern of political representation, and sowing seeds of further political instability for the remainder of the 1960s. The 1970 constitution camouflaged the issue through a complex system of political representation. Fijians and Indo-Fijians each had 22 seats in a 52-seat lower house, 10 elected on national or cross-voting seats and 12 on straight communal seats. General voters had 8 seats. Because general voters tended to side with Fijians and the Indo-Fijian community was prone to splitting, the dominance of the Fijian leadership was ensured. But beyond politics, paramount chiefs were at the helm of national leadership—Ratu Sir Kamisese Mara, Ratu Sir Penaia Ganilau, Ratu Sir George Cakobau, and Ratu Sir Edward Cakobau—assuring Fijians of continuity with the past.

The conventional wisdom of communal compartmentalization that underpinned Fiji’s political system—that ethnicity would drive the engine of party politics—was threatened by social and economic developments and the widespread changes they brought in their wake (eg, see Taylor 1986). Modern, multiracial education opened new doors. Urban drift introduced people to new and often unsettling challenges. The video and then the electronic revolution introduced ideas and values once alien or inaccessible. Improved communications and increased cash cropping in rural areas brought the subsistence sector more centrally into the modern, monetary economy. New horizons opened, more opportunities presented themselves, and old assumptions about politics changed. New ideas manifested themselves in the emergence in 1985 of a multiracial Fiji Labour Party whose nonracial social and economic philosophy challenged the old order. Seen this way, the coups of 1987 represented an effort to turn the clock back, by force.

Three years later, the post-coup administration decreed a new constitution weighted in favor of the indigenous Fijians to “realise the aims of



the coup.” Important offices of state, including that of the prime minister, were reserved for them. Special, racially exclusive affirmative action programs for Fijians and Rotumans were legislated. And in parliament, the indigenous Fijians enjoyed an outright majority of seats, with 37 of the 71 seats in the House of Representatives. For indigenous Fijians election to parliament took place from their traditional provinces; urban Fijians, more than a third of the Fijian population, were severely underrepresented. With rural weighting and an outright parliamentary majority, the architects of the 1990 constitution hoped that Fijians would always remain in power, that Fijian political paramountcy would prevail. That did not eventuate. Soon after its formation, a party backed by the Great Council of Chiefs, the *Soqosoqo ni Vakavulewa ni Taukei* (SVT), splintered, with rival parties forming to contest its legitimacy, including the Mara-backed Fijian Association Party and the All National Congress launched by Apisai Tora in the west. Part of the fragmentation arose from dissatisfaction with Rabuka’s erratic leadership, part from regional factionalism, and part from class tensions—Rabuka, a commoner, had beaten high Ro Lady Lala Mara for the presidency of the new party. Electing candidates from provinces encouraged provincial loyalties, paralyzing the operation of effective party politics with a national agenda and vision. Rabuka’s party won the 1992 election but not in sufficient numbers to form a government on its own. It could do so only with the support of the Fiji Labour Party, backed in the main by the Indo-Fijian community, the very people so recently deposed.

The clear lesson of 1990 was that Fijian numerical supremacy in parliament was no guarantee of Fijian political paramountcy. This fact was further clearly demonstrated in the 1999 elections, when Fijian fragmentation reached epidemic proportions with some twelve ethnic Fijian parties contesting the election (see Lal 2000). Division among the Fijians, not political unity among Indo-Fijians, led to the fall of the Rabuka government. Since the coup of 19 May 2000, regionalism and confederacy-based politics have become rife, dividing the Fijian community as never before, and not likely to end anytime soon. Other factors must be noted: Precisely what constitutes “the Fijian interest,” besides those items already given watertight protection in the 1997 constitution, remains unclear. Fijian interests are more diffuse now than ever before. Over 40 percent of the indigenous population now resides in urban and periurban areas, exposed to all the challenges of living in a complex monetary economy. Increasingly, their needs are not the needs of their rural counterparts. Weighting

representation in parliament in favor of the rural dwellers—as election from the provinces will inevitably entail—will marginalize urban Fijians even more.

Given the diversity of Fijian society across class and region, the goal of permanent political unity also puts enormous strains on the Fijian community. It is difficult, if not impossible, the Constitution Review Commission argued, for one party to accommodate the multiplicity of interests that embrace Fijians. The quest for political unity also puts strains on traditional institutions. The Great Council of Chiefs' sponsorship of one political party divided the Fijians, who wanted the council to provide leadership to all Fijians irrespective of political affiliation. The emphasis on Fijian unity also means that Fijians will not be free to vote out a Fijian government if it does not deliver what they expect. Those expectations go beyond fulfillment of the government's election promises to improve the conditions of life for Fijians, who, like other citizens, want the same standards of integrity, efficiency, and effectiveness from those they elect. The idea that a Fijian government must be maintained in office at all costs has grave consequences for political accountability. It requires setting aside the normal democratic controls on a government's performance in office, and this is bad for the Fijian community as well as for the country as a whole.

Supporters of the coups have invoked various international instruments on indigenous rights in support of their claim for political paramountcy. Their argument rests on a misreading of these instruments. The conventions most commonly cited in support are *ILO Convention No 169 on Indigenous and Tribal Peoples* and the draft "Declaration on the Rights of Indigenous Peoples."<sup>5</sup> The ILO Convention was adopted in June 1989 as a revision of *ILO Convention No 107 on Indigenous and Tribal Populations*. Convention 107 was based on the assumption that all relevant decisions on the living and working conditions of indigenous and tribal peoples would be taken into account by the government and that eventually the indigenous and tribal peoples would be assimilated into the broader community. But the goal and philosophy of assimilation has been discredited, and Convention 169 accepts that the indigenous and tribal peoples will continue to enjoy a separate cultural identity within the national society. The draft declaration provides for greater autonomy for these groups within states where they and their lands are now situated. These and other instruments apply, or are intended to apply, to indigenous and tribal communities whose lands, culture, and separate identity are at risk of marginalization as a result of colonization, such as the Hawaiians,

the Māori, and Australian Aborigines, as well as tribal groups in North and South America. For that reason, they are not wholly relevant to indigenous Fijians, who have always enjoyed autonomy in the management of their administrative affairs and are secure in the possession of their lands and a vibrant cultural identity.

At the heart of these instruments lie two ideas: that indigenous peoples will remain a distinct community, and that they will enjoy equal rights with other members of society. The clear implication is that at the national level the political and other rights of the indigenous and tribal peoples are on exactly the same footing as those of other members of the national society. Both instruments see the special rights of indigenous peoples as distinct communities as supplementing the fundamental human rights and freedoms they already share with all other citizens. Nothing in either instrument gives an indigenous people superior or paramount rights in participating in the government of their society. Sometimes, indigenous activists raise the issue of “self-determination.” The declaration (Article 3) states, “Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” But the phrase “freely determine their political status” refers to their political status in taking control of their own affairs, not to their political status as it affects their participation in the national government. The article does not sanction secession. Nor does “self-determination” authorize a particular “people” within a country, whether or not indigenous, to exercise political domination over other “peoples” as citizens. No political community, by reference to either “self-determination” or “sovereignty,” can legitimately claim it has political rights that entitle it to a position of dominance over other groups forming part of the same national society.

The word *rights* is often used in conjunction with sovereignty and self-determination. What are Fijian rights? An important Fijian right is the right to own land. This is guaranteed through the recognition of customary title in the Native Land Act. The Native Land Trust Act provides that Fijians may not dispose of their lands except to the government through the Native Land Trust Board. Fijian traditional fishing rights are protected by the Fisheries Act. And the constitution gives all landowners, including indigenous Fijians, the right to a share of the royalties from the exploitation of minerals in the subsoil of their land or the seabed over which they have traditional fishing rights. Fijians also have rights to their traditional institutions, including the Great Council of Chiefs, and other

separate administrative systems set up for their governance under the Fijian Affairs Act. The 1997 constitution for the first time recognized the council as a constitutional body and empowered it to nominate both the president and the vice president of the republic. The separate system of Fijian administration is also protected. But political paramountcy is, and cannot be, a right. As mentioned, international standards, including the two instruments dealing with indigenous peoples, and the concepts of "self-determination" and "sovereignty" give no support to that proposition.

Some Fijians also argue that they have a "right" to affirmative action programs. This is a complex area involving an interplay of many perceptions about the present circumstances of different communities; the philosophy of giving state assistance to individuals by reason of their membership in a particular community or group; the principles on which appointments should be made to public service; how programs for the benefit of a particular community or groups are reconciled with the right of equality before the law and freedom from discrimination on the constitutionally prohibited grounds; the desirable balance between the resources used for those purposes and other social justice programs for the needy members of all communities; and the question of whether the assistance given to enhance the position of particular communities and groups achieves the desired results.

Nonetheless, affirmative action for the indigenous Fijians was an accepted fact of public policy in post-independence Fiji. Since the 1970s, for example, following the report of the 1969 Education Commission, 50 percent of all government scholarships for tertiary education was reserved for them on a parallel-block basis, despite demonstrably inferior performance. The Fiji Development Bank initiated a number of commercial and business schemes to assist indigenous Fijians in the commercial sector (Lal 1992a, 232–235), a function that the National Bank of Fiji assumed between 1987 and 1995. After 1987, the government set up special funds to purchase freehold lands and give them back to the indigenous landowners. And a special scholarship fund was set up by the Fijian Affairs Board to help indigenous Fijian students gain tertiary qualifications. The results of these efforts did not match expectations. The 1990 Constitution explicitly provided for affirmative action for indigenous Fijians and Rotumans. Section 21, entitled "Protection and Enhancement of Fijian and Rotuman Interests," authorized and directed parliament to put in place affirmative action programs for their benefit: "Parliament shall, with the

object of promoting and safeguarding the economic, social, educational, cultural, traditional and other interests of the Fijian and Rotuman people, enact laws for those objects and shall direct the Government to adopt any programme or activity for the attainment of the said objectives.” The cabinet could authorize government departments and statutory commissions to reserve scholarships and other training opportunities and business permits and licenses to attain the aims of the section. The constitution also contained specific provisions that sought to secure a minimum 50 percent representation of Fijians and Rotumans in departments and among the holders of judicial and legal offices.

There is no quarrel with the principle of affirmative action, but the selective manner of its application, as well as the failure to reach expectations, has become a bone of contention. No matter of sensitive public policy such as affirmative action can succeed without public or national consensus. In the case of post-coup Fiji, no such consensus existed. Nor is any program of this kind likely to succeed unless the specific goals, and the means through which they are to be achieved, are clearly indicated. To succeed, there must be performance indicators for judging the efficacy of the program in achieving its goals, and criteria for selecting the individuals who will be entitled to the privileges and advantages. A blanket “Fijian” or “Rotuman” criterion is not good enough because, as mentioned, these communities are as diverse as others in the distribution of wealth among them. Prescribing ethnicity as the sole criterion for affirmative action is problematic for other reasons as well. For one, it ignores other criteria, such as gender; and women are grossly underrepresented in the public sector. For another, it assumes that other communities, in particular the Indo-Fijians, do not need affirmative action. This is not true, as the level of Indo-Fijian participation in the public sector has been declining markedly. In 1985, Fijians made up 46.4 percent of established public servants, Indo-Fijians 48 percent, and general voters and expatriates 5.6 percent. The corresponding figures in 1995 were Fijians 57.3 percent, Indo-Fijians 38.6 percent, and general voters and expatriates 4.1 percent. In 1995, of the 31 permanent secretaries, 22 were Fijians, 6 Indo-Fijians, and 3 were general voters. Furthermore, virtually every study of income levels and poverty in Fiji in recent years has shown that, among Fijian and Indo-Fijian households, each group has a roughly comparable percentage living in poverty.<sup>6</sup> Although incomes of Indo-Fijian households, on the whole, were higher than those of Fijian households, income disparity was significantly greater among Indo-Fijian households.

The Fiji Constitution Review Commission therefore recommended that the government “put in place not only affirmative action programmes for the benefit of the Fijian and Rotuman people, but similar programmes for other ethnic communities, and for women, and for all other disadvantaged citizens or groups in the Republic of the Fiji Islands.” The Compact of the 1997 constitution (Section k) agreed that “affirmative action and social justice programmes to secure effective equality of access to opportunities, amenities or services for the Fijian and Rotuman people, as well as for other communities, for women as well as men, and for all disadvantaged citizens or groups, are based on an allocation of resources broadly acceptable to all communities.” The phrase “broadly acceptable to all communities” is important: it implies consensus as well as the principle of proportionality. In effect it means that since the Fijian and Rotuman people now constitute more than 50 percent of the population they are legitimately entitled to 50 percent of affirmative action resources.

The current interim administration has proposed reimplementa-tion of a race-based affirmative action.<sup>7</sup> It has promised to establish a Fijian and Rotuman Trust Fund to support indigenous development projects; to start a national saving scheme for Fijians and Rotumans to finance increased Fijian equity and other forms of participation in business as well as investment in education; to give tax exemptions to Fijian companies for an unspecified period; to set up a Fijian Development Trust Fund and a Fijian Education Fund to provide scholarships to students and grants to Fijian schools; and to reserve for indigenous Fijians 50 percent of government shares in commercial companies, 50 percent of all licenses and permits, and 50 percent of all government contracts. All this in addition to transferring all Crown Schedule A and B lands to the Native Land Trust Board and establishing a Lands Claims Tribunal to deal with long-standing claims for native lands acquired for public purposes. These proposals are designed to appease the Fijian nationalist fringe: the interim administration wants to be seen to be implementing policies that favor Fijians. But such policies and initiatives have been in place for a long time and have failed to deliver the desired outcome. It must be asked whether more affirmative action is the answer, or are the problems—in the commercial field, for example—more deep-seated and culturally based than money alone can remedy? And what of the principles of efficiency, accountability, transparency, merit, and effective delivery of state services? Playing the “race” card, blaming other ethnic groups for the poor performance of indigenous Fijians, as is often done, is no longer convincing. Deeper soul

searching about the role of culture and tradition would yield more fruitful results.

In my opinion, then, the 1997 constitution did not fail. The people of Fiji failed the constitution. The next question is: Did the People's Coalition government fail, or in some way dilute Fijian interests? The People's Coalition government included disparate political parties with diverse interests and agendas (see Lal 1999). They came together not necessarily because of a shared vision for the nation but because of what might be termed "negative" sentiments. The Fijian parties in the coalition joined with the Labour Party because they wanted Rabuka out of office as punishment for the sorry record of his government in the 1990s, tainted as it was by mismanagement, corruption, indecisive leadership, and the scandals in his private life. They also opposed the 1997 constitution, which Rabuka, working closely with Jai Ram Reddy, had been instrumental in shepherding through parliament. The Christian Democratic Alliance, a member of the People's Coalition, wanted Fiji to become a Christian state and wanted the constitution to be revised to address Fijian concerns, especially the issue of Fijian political paramountcy. Soon after forming a government, rifts emerged in the coalition. A faction of the Fijian Association Party opposed the government in which its own leader, Adi Kuini Bavadra Speed, was the deputy prime minister. And Apisai Tora, the founding leader of another coalition partner, the Party of National Unity, attacked the prime minister and opposed the government even though two of his own colleagues were members of the cabinet. So the coalition government was hobbled by internal criticism and division that threatened its unity and cohesiveness.

The Labour Party was the dominant partner in the coalition, with 37 out of the 71 seats giving it an outright majority in parliament. But because the constitution prescribed compulsory power sharing in cabinet—any political party with more than 10 percent of seats in parliament was entitled to be invited to join the government—Chaudhry's hands were tied: he had to share power with parties not in his coalition. As leader of the largest party in parliament, Chaudhry became prime minister, although several of his own colleagues would have preferred an indigenous Fijian in that office. Perhaps the manner in which he attained that office might have been different, through more consultation and dialogue, but Chaudhry did the right thing. The fact that President Ratu Sir Kamisese Mara persuaded recalcitrant Fijian parties to rally behind Chaudhry (in whose government Mara's own family members were ministers), raised suspicions among

Fijians long distrustful of Mara's rule about his dynastic ambitions for himself and his traditional power base in the eastern parts of Fiji. Chaudhry's ability to secure the president's support, along with that of factions of Fijian parties in his coalition (successfully practicing the kind of politics Fijian leaders had played with the Indo-Fijian community since independence), was seen, rightly or wrongly, as a strategy to divide the Fijians.

Chaudhry's own personal style compounded problems. An intelligent and battle-hardened trade union leader, he had been the single most painful thorn in the side of post-coup regimes, his uncompromising defense of the trade union movement and the principles of nonracial democracy earning him enemies among important, unforgiving sections of the Fijian community. Although more Fijians than Indo-Fijians were in the cabinet, there was no doubt in his opponents' minds that real power was wielded by Chaudhry, who himself controlled the portfolios of prime minister, minister of finance, sugar, public service, and information. Such centralization was consistent with his personal style of leadership as well as a tacit acknowledgement of dearth of ministerial talent in his coalition. Some of his decisions invited public censure, such as appointing his own son, not a civil servant, as his personal secretary on the public payroll. He was criticized for practicing the very kind of nepotism he had condemned while in opposition, and the perception of a government that favored its own grew among those already disapproving of it. The government's confrontational approach to the media did not help matters. To every criticism and every opposition, the government responded with the mantra: it had the people's mandate to implement policies promised in its manifesto. Of course, the government did have the mandate, but astute political leadership in Fiji would have understood that parliamentary mandate is one among several mandates in Fiji. Repeated invocation of the mantra of mandates irritated those already fearful of the government's huge majority in parliament. The government's hectic legislative program, institutional reforms, and the shedding of deadwood from the public sector heightened those fears.

The issue that raised the greatest emotion was land—not its ownership, but the imminent expiry of thirty-year leases granted under the Agricultural Land and Tenant Act, first passed in 1969. Some Fijian landowners wanted their land back, either to cultivate it themselves, to rezone it for commercial or residential purposes, or to use the threat of nonrenewal to extract more rent from their tenants. They were led by Marika Qarikau,



head of the Native Land Trust Board, an abrasive, hardline nationalist who used every means possible, from addressing the provincial councils to using the network of the Fijian Methodist Church, to rally the landowners behind him and against the government. The government did not contest the right of the landowners to reclaim their land, but neither could it ignore the plight of tenants, most unskilled, poor, uneducated, evicted from the land, thus causing a massive social problem for the country. The government offered the displaced tenants F\$28,000 to get started in some other occupation, and the landlords F\$8,000 to equip themselves as cultivators. It was a pragmatic interim solution to an intractable problem.

At the same time, the government attempted to establish a Land Use Commission to work with landowners to identify idle lands that could be put to productive use, including, if possible, resettling displaced tenants on them. With Qarikau on the warpath, the government went directly to the landowners, and sent a delegation of chiefs to Malaysia (Sarawak) to familiarize themselves with the work of a similar commission there and to dispel any fears they might have about the government's intentions. To everyone's surprise, the chiefs returned impressed, but by then Qarikau had already orchestrated an unqualified rejection of the proposal from many provincial councils. Qarikau feared that if the concept of a Land Use Commission were accepted, the power of his own political base, the Native Land Trust Board, might be irredeemably impaired. With provincial criticism swirling, the government did what it should have done in the first place: it took the proposal to the Great Council of Chiefs, which blessed it and asked the government and the board to work cooperatively to finalize the details.

This hard-fought victory was short-lived, for just as the government felt it was gaining the upper hand over its critics, protest marches began around the country, led in virtually every instance by defeated politicians—Ratu Tevita Bolobolo and Apisai Tora among others. The protests gained momentum, energized by the government's dismissive stance toward the marches as the work of a few misguided miscreants. The cry Fijian Rights in Danger rallied many behind the reinvigorated Taukei Movement, and roadblocks and threatening antigovernment banners went up. The climax came on 19 May when George Speight and six other armed gunmen hijacked parliament, tore up the constitution, and unleashed a reign of terror and violence on an unsuspecting population.

Even if the Chaudhry government was not everyone's choice, even if it was drunk on the power of its numbers in parliament, to justify a coup

on these grounds is plainly untenable. For, if style were the criterion, then coups would be the order of the day in many of the most advanced democracies of the world. Saying that just because Chaudhry was unacceptable to the nationalists no other Indo-Fijian should ever aspire to lead the government of Fiji equally boggles the mind. Whether it realized it or not, the Chaudhry government was forced to share the political space with competing centers of power. No law affecting the indigenous Fijians could be changed without the support of the nominees of the Great Council of Chiefs in the Senate. The Fijian Affairs Act specified the rules and procedures for the governance of indigenous Fijians. The power of the Native Land and Fisheries Commission to adjudicate ownership disputes among indigenous Fijians was absolute. The Chaudhry government did not threaten to cancel programs put in place for indigenous Fijians by previous governments; it merely asked for more accountability and transparency in their administration.

In one respect, however, the People's Coalition government did threaten the established habits of thought and political behavior in Fiji. In however small a way, its emphasis on nonracial solutions to the country's deep-seated social and economic problems threatened to undermine the way of thinking that has long seen the country's problems and remedies through the prism of race and ethnicity. Those who viewed race not only as a "fact" of life but also as a "way" of life saw the Chaudhry government as undermining a system that had kept them in positions of power for more than a generation. Over the years, many had been led to believe that only a Fijian prime minister, not an Indo-Fijian one, could be trusted to govern the country and maintain the security of Fijian interests. Chaudhry's success, as seen in soaring public opinion polls on the eve of the coup in May, would have undermined a fundamental tenet of their beliefs. Chaudhry had to go before he and his vision for Fiji became too deeply entrenched.

The interim administration has proposed a new constitution, which it says must enshrine Fijian political paramountcy. In his address to the United Nations in September 2000, Interim Prime Minister Qarase hinted at the kinds of things that the constitution might include. Because over 50 percent of the population is Christian, Fiji might be declared a Christian state. Qarase also said that the amount and value of landownership should also be reflected in the composition of parliament. The *Soqosoqo ni Vakavulewa ni Taukei* is more specific.<sup>8</sup> Indigenous Fijians, it says, must have 70 percent of all parliamentary seats; Fijian culture and language should

be made the national language and culture; the first-past-the-post system should be used in national voting rather than the alternative voting system prescribed in the 1997 constitution; open (nonracial) seats should be turned into national seats (that is, cross-voting seats where the ethnicity of the candidate is specified but all vote); and there should be greater decentralization of political, fiscal, and administrative structures. The salience of these points can be debated at length—can a small island state like Fiji, for example, afford the financial burden of more decentralization? Why have national seats when everyone knows them to be compromised and discredited? Why use the first-past-the-post system when it is universally regarded as obsolete? Why give the Fijian people the right to vote and then insist that they vote for only Fijian candidates? Decentralization is fine in theory, but Indo-Fijians are excluded from Fijian provincial and district councils.

The real issue underlying the demands of the *Soqosoqo ni Vakavulewa ni Taukei* is Fijian political paramountcy. A Fijian must be the head of state, and of government, and if possible of important statutory positions as well. Fiji has traveled that route before, under the 1990 constitution, with disastrous results. The question for the Fijian people is not whether a Fijian must be the head of government, but which, or what kind of, Fijian. For some, Ratu Sir Kamisese Mara was the “wrong” kind of Fijian leader. Others rejected Sitiveni Rabuka because he was a commoner, albeit an uncommon one. Dr Timoci Bavadra, too, could not be trusted by everyone. For yet others, George Speight (now calling himself *Ilikini Naitini*) is an unacceptable face of Fijian nationalism. Increasingly, too, many Fijians are thinking in terms of their provinces and confederacies, all wanting to take turns at the helm of the ship of state. Taking turns: that is what the debate is about, not about social, economic, and national development in an era of unprecedented change and globalization.

Now, Fijians will take turns without the “threat” of Indo-Fijian dominance. Thousands of Indo-Fijians left the country after the coups of 1987, and now many more will leave, depriving the country of much-needed talent and skills. The reduced number of Indo-Fijians will open up space for more debate among Fijians as provincial, regional, and confederacy tensions and rivalries come to the fore, as they have already begun to do since 19 May 2000. Their situation is aggravated by the absence on the national scene of experienced and trusted leaders with overarching national influence. The departure of Ratu Sir Kamisese Mara has brought to an end the

rule of paramount chiefs tutored for national leadership by the colonial government in the years following the Second World War. The new generation of Fijian leaders is embroiled in local and regional politics, their wider influence limited or tainted by involvement in the events of the last decade or so. In the absence of any alternative, Fijian people may discover the “foreign flower” of democracy as their political savior.

In recent months, I have often revisited in my mind the work of the Fiji Constitution Review Commission. I continue to be inspired by its vision of Fiji as a vibrant, multiethnic, democratic state that celebrates the indigeneity of Fiji, recognizes the equal rights of all citizens, maintains the separation of church and state, provides a basis on which all citizens can describe themselves by a common name, and encourages every community to regard the major concerns of other communities as national, not sectional, concerns. A multiethnic state, I fervently believe, should strive for multiethnic government achieved through the voluntary cooperation of political parties, or increased support for a genuinely multiethnic party. It must recognize and celebrate the distinctive character of its diverse constituent parts while enlarging the common space and opportunities of equal citizenship. Consensus, not coercion, is the way forward to genuine reconciliation. The Fijian powers that be may wish to turn back the clock, but it would not do the clock any good. The Fijian tragedy once again underlines the fundamental truth that those who do not learn from history are condemned to repeat it.

## Notes

1 I draw on Interim Prime Minister Laisenia Qarase’s address to the United Nations, 8 September 2000.

2 A copy of this document is in my possession courtesy of Australian Broadcasting Commission’s chief diplomatic correspondent, Graeme Dobbell.

3 A selection of the papers can be found in Lal and Vakatora 1997.

4 The quotations are from Fiji 1997.

5 Here, to avoid misrepresentation, I follow the report of the Fiji Constitution Review Commission (Fiji 1997, 40–52).

6 Among them, reports by the Asian Development Bank and the World Bank. An early analysis along these lines is Stavenuiter 1983.

7 This is from Qarase 2001.

8 A copy of the SVT statement is available on the Fijilive Internet site: <http://www.fijilive.com/>

## References

### Fiji

- 1997 *Report of the Joint Parliamentary Select Committee on the Report of the Fiji Constitution Review Commission*. Parliamentary Paper 17 of 1997. Suva: Parliament of Fiji.

### Lal, Brij V

- 1992a *Broken Waves: A History of the Fiji Islands in the Twentieth Century*. Pacific Islands Monograph 11. Honolulu: Center for Pacific Islands Studies and University of Hawai'i Press.
- 1992b *Rhetoric and Reality: The Dilemmas of Contemporary Fijian Politics*. In *Culture and Democracy in the South Pacific*, edited by Ron Crocombe and others, 97–99. Suva: Institute of Pacific Studies.
- 1998 *Another Way: The Politics of Constitutional Review in Post-coup Fiji*. Canberra: Asia Pacific Press.
- 1999 *A Time to Change: The Fiji General Elections of 1999*. Discussion Paper 23. Canberra: Department of Social and Political Change, Australian National University.

### Lal, Brij V, editor

- 2000 *Before the Storm: 1999 General Elections and the Dilemmas of Contemporary Fijian Politics*. Canberra: Asia Pacific Press.

### Lal, Brij V, and Tomasi Vakatora, editors

- 1997 *Research Papers of the Fiji Constitution Review Commission*. Volume 1: *Fiji in Transition*; volume 2: *Fiji and the World*. Suva: University of the South Pacific, School of Social and Economic Development.

### Qarase, Laisenia

- 2001 *Fiji Blueprint*. Suva: Fiji Government Ministry of Information.

### Stavenuiter, Stan

- 1983 *Income Distribution in Fiji: An Analysis of Its Various Dimensions, with Implications for Future Employment, Basic Needs and Income Policies*. Report presented to Central Planning Office, Government of Fiji, April.

### Taylor, Michael, editor

- 1986 *Fiji: Future Imperfect*. Sydney: Allen & Unwin.